



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes BOARD OF ZONING APPEALS

James A. Mills, Ward 3, Chairman
J. K. Lowman, Ward 2, Vice Chairman
Susan Grant, Ward 1
G. Marshall Dye, Ward 4
Ronald Clark, Ward 5
William "Bill" J. Martin, Ward 6
Justice Barber, Ward 7

Monday, May 20, 2013

6:00 PM

City Hall Council Chambers

Present: James A. Mills, Susan Grant, William "Bill" J. Martin, J. K. Lowman, Ronald Clark,

Absent: G. Marshall Dye, and Justice Barber

Staff:

Brian Binzer, Development Services Director
Rusty Roth, Development Services Manager
Patsy Bryan, Secretary to the Board
Kyethea Clark, Urban Planner
Daniel White, City Attorney

CALL TO ORDER:

Chairman Mills called the May 20, 2013 Board of Zoning Appeals Meeting to order at 6:00 p.m.

MINUTES:

20130509

April 29, 2013 Board of Zoning Appeals Meeting Minutes

Review and Approval of the April 29, 2013 Board of Zoning Appeals Meeting Minutes
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Mr. Lowman, moved to accept the April 29, 2013 Board of Zoning Appeals Meeting Minutes, seconded by Mr. Martin. Motion carried 5 – 0 – 0.

A motion was made by Board member J. K. Lowman, seconded by Board member William "Bill" J. Martin, that this matter be Approved and Finalized. The motion carried by the following vote: 5 – 0 – 0.

Absent: 2 - Board member Dye, and Board member Barber

VARIANCES:**20130456****V2013-21 Mesquite Creek Development, Inc. (Racetrac) 2400 Delk Road**

V2013-21 [VARIANCE] MESQUITE CREEK DEVELOPMENT, INC. (RACETRAC) requests a variance for property located in Land Lot 07990, District 17, Parcel 0380, 2nd Section, Marietta, Cobb County, Georgia and being known as 2400 Delk Road. Variance to reduce the side yard setback from 15' to 2' for an existing building encroachment. Ward 1.

File #20130456 (V2013-21) was presented by Mr. Roth for property located in Land Lot 07990, District 17, Parcel 0380 and being known as 2400 Delk Road. The applicant, Mesquite Creek Development, Inc., is requesting a variance to reduce the side yard setback from 15' to 2' for an existing building encroachment.

A public hearing was held.

Parks Huff with Sams, Larkin & Huff and petitioner for the owner, Mesquite Creek Development, Inc., presented the variance request.

Mr. Huff gave a brief history of the redevelopment project for the existing RaceTrac on Delk Road.

Allen Bell, Project Manager for RaceTrac was present.

No one spoke in opposition.

The public hearing was closed.

Ms. Grant made a motion, seconded by Mr. Martin, to reduce the side yard setback from 15' to 2' for an existing building encroachment with the following stipulations:

- 1. The variance shall be in effect for a period of two (2) years;*
- 2. After two (2) years, the site must come into compliance with the required 15 foot side yard setback by demolishing the building or by obtaining additional property.*

The rationale being that granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

The motion carried 5 - 0 - 0.

A motion was made by Board member Susan Grant, seconded by Board member William "Bill" J. Martin, that this matter be Approved as Stipulated . The motion carried by the following vote: 5 – 0 – 0.

Absent: 2 - Board member Dye, and Board member Barber

20130457**V2013-22 Hamid Nikfarjam 447 Atlanta Street**

V2013-22 [VARIANCE] HAMID NIKFARJAM request a variance for property located in Land Lot 02880, District 17, Parcel 0380, 2nd Section, Marietta, Cobb County, Georgia and being known as 447 Atlanta Street. Variance to increase occupancy from

20 to 42 beds; Variance to reduce rear yard setback from 35 ft. to 20.32 ft. for the existing building; Variance to reduce the south side setback from 15 ft. to 7.2 ft. for the existing building. Ward 5.

File #20130457 (V2013-22) was presented by Mr. Roth for property located in Land Lot 02880, District 17, Parcel 03830 and being known as 447 Atlanta Street. The applicant, Hamid Nikfarjam, is requesting variances to increase occupancy from 24 to 42 beds; variance to reduce rear yard setback from 35 feet to 20.32 feet for the existing building; and a variance to reduce the south side setback from 15 feet to 7.2 feet for the existing building.

A public hearing was held.

Due to the need for additional space and to accommodate a waiting list, Mr. Nikfarjam is requesting 6 additional rooms which will be added vertically.

Ms. Grant and Mr. Lowman continued asking questions regarding the number of rooms and number of patients.

Mr. Clark expressed concern about ample parking and adequate access by emergency vehicles.

Mr. Martin inquired as to the number of patients and the size of the room.

There was no one in opposition.

The public hearing was closed.

Mr. Lowman commented that there is a need for more property and a larger building.

Mr. Clark made a motion to deny the variance, seconded by Mr. Lowman.

Motion carried 5 – 0 – 0.

A motion was made by Board member Ronald Clark, seconded by Board member J. K. Lowman, that this matter be Denied. The motion carried by the following vote: 5 – 0 – 0.

Absent: 2 - Board member Dye, and Board member Barber

ADJOURNMENT:

Mr. Martin made a motion to adjourn, seconded by Ms. Grant.

The May 20, 2013 Board of Zoning Appeals Meeting adjourned at 6:20 p.m.

JAMES A. MILLS, CHAIRMAN

PATSY BRYAN, SECRETARY